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ABSTRACT

This report provides information about cable television and the Federal Communications Commission's (FCC) responsibilities in regulating its operation. The initial jurisdiction and rules covered in this report pertain to the court test, public hearing, certificate of compliance, franchising, signal carriage, leapfrogging, access and origination cablecasting, pay cable, programing and technical performance requirement. Also described are regulations concerning microwave auxiliary facilities, pole attachment, cable system ownership, copyright, and citizen participation. (SC)

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Cable Television

Federal Communications Commission, Washington, D.C.

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INFORMATION BULLETIN

Cable Television

GENERAL

Cable television (also called CATV or community antenna television) was developed in the late 1940's in communities unable to receive TV signals because of terrain or distance from TV stations. Cable systems located their antennas in areas having good reception to pick up broadcast station signals and distribute them by cable to subscribers for a fee.

In 1950 cable systems were operating in only 70 communities in the United States; these systems served 14,000 subscribers, i.e. TV homes. At the close of 1974, more than 3,200 cable systems served some 10 million subscribers in approximately 7,000 communities. Half of the systems in operation today serve fewer than 1,000 subscribers. The largest technically integrated system -- in San Diego -- serves more than 100,000 subscribers.

Although the average cable system is providing 10 channels of broadcast television and other services, most systems are technically capable of offering 12 or more channels. A few dual-channel systems are capable of offering 60 or more. The average monthly subscriber fee is $6 for service; installation fees range from nothing to about $100, the average being $20.

The channel capacity of cable systems makes it possible for them to provide many services. Many systems now feature separate channels for weather, stock market reports, wire service news, FM radio, and movies. Some cable operators originate their own programs and/or provide access channels for use by the public, by educational or local governmental entities, or for leased purposes. Cable operators foresee systems developing into two-way home communications centers through which subscribers may shop for merchandise, order facsimile newspapers, conduct banking-business, and have utility meters read. Many of these services are now technically feasible.

INITIAL JURISDICTION AND RULES

The Federal Communications Commission asserted limited jurisdiction over cable television in 1962, first establishing rules in 1965 for systems which received signals by microwave. (Microwave stations have always been licensed by the FCC.) In 1966, the Commission established rules for all cable systems, whether or not served by microwave (Second Report and Order in Docket 14895, 2 FCC 2d 725 (1966)). This initial regulation required cable systems to carry all local TV stations; prohibited systems from duplicating, on the same day, via signals originating in another city, a program broadcast by a local station; and prohibited them from bringing distant signals into the 100 major television markets without a hearing on the probable effect on local broadcasting. In all other markets, no restrictions were placed on the signals a cable system might carry, but procedures were adopted permitting threatened stations to challenge proposed importation of distant signals.

Court Test

Challenged in the courts, the FCC cited its mandate under the Communications Act to regulate "interstate commerce by wire or radio." In June 1968, the Supreme Court affirmed the Commission's jurisdiction over cable. The benchmark case (United States v. Southwestern Cable Co., 392 U. S. 157 (1968)) arose from an interim Commission decision in 1966 which limited the right of San Diego cable systems to carry the programing of Los Angeles stations. The Court decided that "the Commission has reasonably concluded that regulatory authority over CATV is imperative if it is to perform with appropriate effectiveness certain of its responsibilities." The Court found that the FCC needed authority over cable systems to assure the preservation of local broadcast service and to effect an equitable distribution of broadcast services among the various regions of the country.

Proposed Revision of Rules

On December 13, 1968, the Commission invited comments on a major revision and expansion of its cable rules (Docket 18397). The Commission adopted "interim procedures" for use during the rulemaking proceeding. These procedures included suspension of distant signal hearings, deferral of processing of all petitions or applications seeking authorization of service inconsistent with the proposed signal carriage rules, and grant of carriage requests consistent with the proposed rules.

Public Hearings

In March 1971, the Commission held nine days of public hearings on its 1968 rulemaking proposals as well as on additional proposals issued in July 1970. During the first four days of the hearings, conducted in an experimental panel format, spokemen discussed contrasting viewpoints, providing direct confrontation and debate. This portion of the hearings was televised nationally. On the remaining days, members of the general public made individual presentations to the Commission.

NEW RULES

A general outline of the proposed rules was submitted to Congress on August 5, 1971, in a "Letter of Intent." While the new rules generally adhered to those proposals, they were modified to reflect the consensus agreement on exclusivity and distant signal importation reached between broadcast and cable industry groups in cooperation with the FCC and the White House Office of Telecommunications Policy. New cable rules, representing the most comprehensive compilation of regulations since the first general rules were issued in February 1966, were adopted February 2, 1972, and became effective March 31, 1972 (Cable Television Report and Order, 36 FCC 2d 143 (1972)).

Certificate of Compliance

The new regulatory plan has as its focal point the FCC's grant of a "certificate of compliance" as a precondition for carrying any television signals that were not lawfully carried by a cable system prior to March 31, 1972. Certification is necessary for the following systems: (1) new cable systems; (2) cable systems all or part of which were authorized prior to March 31, 1972, but which did not actually carry one or more television signals prior to that date; (3) existing systems that wish to add signals not previously authorized or carried; and (4) existing cable systems whose franchise periods have terminated, or March 31, 1977, whichever occur first.

Although no standard application form currently exists for certificates of compliance, all elements of a complete application are set forth in the rules. It is anticipated that, as experience in processing this new type of application is gained, a standard form will be devised. Since the application for certificate for a new cable system has the largest number of elements, a brief description of its elements follows:

(1) the name and mailing address of the operator of the proposed system, the community and a detailed desc iption of the area to be served, television signals to be carried, date of commencement of operations, a statement as to whether microwave radio facilities will be used;

(2) a copy of FCC Form 325, entitled "Annual Report of Cable Television Systems," supplying the information requested as though the cable system already were in operation as proposed;

(3) a copy of the franchise, certificate or other authorization granted by state or local authorities to construct and operate a cable television system;

(4) a statement that explains how the proposed system's franchise and its plans, if any, for availability and administration of access channels and other nonbroadcast cable services are consistent with the rules;

(5) a statement that explains how carriage of the proposed television signals is consistent with the rules, including any special showing as to whether a signal is significantly viewed;

(6) a certification that a written notification containing the information in (1) above was served upon local television broadcast licensees and permittees, translator stations, franchising authorities, superintendents of schools, local or state educational television authorities, and state regulatory agencies;

(7) a statement that a copy of the completed application has been served on any local or state agency or body asserting authority to franchise, license, certify, or otherwise regulate cable television; and that, if the application is not made available by any such authority for public inspection in the community of the system, the applicant will provide for public inspection of the application at any accessible place in the community during regular business hours;

(8) a statement of the proposed system's equal employment opportunity program, if the system will have five or more full time employees continuously during January, February, and March of the year following commencement of operations;

(9) a statement that the filing fee is attached.

Public Notice is given of the filing of applications for certificates and amendments thereto. The Commission may not issue a certificate before the expiration of a 30-day period from the date of the public notice, during which time objections may be filed.

Franchising

Acknowledging that federal licensing would be an "unmanageable burden" and that the industry is uniquely suited to "a deliberately structured dualism," the Commission adopted minimum standards for franchises issued by local governments. These standards relate to the process of selecting a franchisee, franchise duration and fees, the establishment of construction timetable, rates charged to subscribers, and procedures for handling subscriber complaints.

The major franchise standards require (1) that the franchising authority approve a franchisee's qualifications as part of a "public proceeding affording due process;" (2) that significant construction begin within one year following the issuance of a certificate of compliance and that the system should extend into a substantial percentage of its franchise area each year, as determined by the franchising authority; (3) that franchise fees in excess of 3 percent must be justified as appropriate in light of the local regulatory program; (4) that franchise duration should not exceed 15 years; and (5) that local authorities regulate rates charged to subscribers.

In April 1974 the Commission adopted a Clarification of the Cable Television Rules and Notice of Proposed Rule Making and Inquiry, 46 FCC 2d 175 (1974), to clarify existing franchise standards and other rules and policies and also to seek comments on proposed additional or modified standards. This document was related to recommendations of the Federal-State/Local Advisory Committee on Regulatory Relationships (FSLAC), which was established at the same time as the February 1972 rules.

Signal Carriage

Television signal carriage depends on the geographic location of the community to be served by a cable system. The 1972 carriage rules set up standards of television service which vary with market size. The touchstone is whether a community is located wholly or partially within a 35-mile radius--called the specified zone--of a commercial television station licensed to a major or smaller television market.

A cable system may carry the following complements of signals depending upon the size of market in which it is located:

- in the first 50 major television markets-- three full network stations and three independent stations;
- in the second 50 major television markets-- three full network stations and two independent stations;
- in the smaller television markets--three full network stations and one independent station; and
- beyond all television markets--no restrictions as to number or type of television signals.

The above signal complements do not reflect any public right to more program diversity in some communities than in others. Rather, it reflects the Commission's television allocations policy which is economically based in that the advertising revenues in densely populated areas can support a greater number of television stations than in sparsely populated areas.

In addition to the authorized complement of signals, cable systems in the major markets may carry two additional independent stations. However, any distant signals that have been imported (usually via microwave relay) to meet the authorized complement must be deducted from the additional signals permitted. The rationale for permitting at least two additional signals in all major markets is simply that it appears that two signals normally not available in the community of the system is the minimum amount of new service needed to attract a significant number of subscribers and the large amounts of investment capital needed for the construction of new systems.

Cable systems in smaller markets may not import more signals than the specified three networks and one independent authorized; however, under all four sets of carriage rules a cable system may carry more than the authorized complement if the signals are "local" and do not have to be imported.

Leapfrogging

Cable systems located in television markets are required to carry the closest network affiliates or the closest such station within the same state as the cable system. Cable systems carrying independent signals which originate in the first 25 markets must be selected from the two closest markets. Systems carrying a third independent signal are required to choose a UHF station within 200 miles or, if that is not available, a VHF signal from the same area or any independent UHF signal. Currently the Commission is examining possible revisions in these rules to allow cable systems greater freedom in selecting signals (Docket 20487).

Educational and Foreign Language Stations

All educational stations within 35 miles of a cable system, and those placing a Grade B contour over the cable community, must be carried on the system. In addition, all non-commercial educational stations run by an agency of the state in which the cable system is located may be carried. Also, any number of additional educational stations may be carried, if there are no convincing objections. No limits are placed on the number of foreign language signals a cable system may carry, as long as the stations broadcast predominantly in a language other than English. Foreign language stations are not counted in the distant signal quota.

Channel Capacity

The Commission specified in 1972 that, in major television markets, actual or potential capacity of 20 channels for broadcast and nonbroadcast service was "the minimum consistent with the public interest." Additionally, for each broadcast signal carried, cable systems in these markets must be capable of providing another channel for nonbroadcast services.

Access Cablecasting

Cable systems in major markets must maintain at least one channel each for public, education, local government and leased access. In addition, other portions of their nonbroadcast bandwidth may also be used for leased purposes.

Origination Cablecasting

A cable system may wish to originate programs, the content of which is subject to the system's exclusive control. Such programing is called "origination cablecasting." Even if a system does not engage in such cablecasting and is not subject to the access cablecasting rules, by January 1, 1976, it is obliged to have cablecasting equipment available for public use if the system serves 3,500 or more subscribers.

Regulation of Nonbroadcast Channels

Although television broadcast signals have been the staple cable service heretofore, the Commission envisioned in 1972 " a future for cable in which the principal services, channel uses, and potential sources of income will be from other than over-the-air signals." Thus, rules were established concerning public, education, local government and leased access channels; minimum channel capacity; and two-way communications: These rules apply to cable systems in major television markets only; cable systems outside of major markets may be required by local authorities to require access services, in which case they are subject to Commission rules concerning program content, control, assessment of costs, and the formulation of operating rules.

While the Commission encourages a period of experimentation, the rules preclude local regulation of access channels, except government access channels. Franchising authorities may not require a greater channel capacity, more access channels, or more extensive two-way operation without specific Commission authorization. Cable operators may not censor or exercise any program content control over material presented on access channels and may not discriminate in making these channels available.

Pay Cable

The Commission has been concerned since the early 1950's that the development of subscription television operations, either broadcasting over-the-air or on cable television systems, could result in a loss of conventional television service to the public. To guard against this eventuality the Commission in 1968 adopted rules governing over-the-air subscription television, following extensive proceedings. These rules were later applied to the distribution of cable television cablecast programing for which specific per program or per channel charges are made.

In 1972 the Commission commenced a rulemaking proceeding (Docket 19554) which resulted in the adoption (March 20, 1975) of new rules regulating subscription programing. The new rules continue to reflect the Commission's policy that the public's access to programing now delivered by conventional television at no direct cost to viewers should not be diminished by subscription operations.

The new rules, though complex, generally provide that only feature films less than three years old, those presently under contract to local television stations, and those not generally desired for conventional telecast may be shown on a subscription basis; that sports events shown on conventional television during any one of the preceding five years may not be shown; and that only series type programs not previously shown on conventional television may be exhibited on a subscription basis. Additionally, no commercial advertising is permitted in connection with the presentation of subscription programing and no more than 90 percent of the total programing may consist of sports and feature films.

In the Clarification of Cable Rules, 46 FCC 2d 175 (1974), the Commission reaffirmed its policy that local authorities were preempted from interfering with nonbroadcast channels provided by cable television systems, including those used for subscription programing. In the proceeding in Docket 19554 the Commission clarified this policy, stating that the complex nature of subscription cablecasting and broadcasting, with implications not coincident with state boundaries, dictates that its regulations emanate from a single source, and that determinations as to when and how to regulate the service must be made at the federal level

Network Program Nonduplication

The Commission determined in 1965 that a cable system's duplication of a local television station's programing through the carriage of distant signals could constitute unfair competition with broadcasters. To equalize the conditions under which cable systems and broadcaster competed, and to ameliorate the risk that cable television would have an adverse economic impact on local television broadcasting service, the FCC adopted mandatory signal carriage and program exclusivity rules for microwave-served systems.

In 1966 the Commission asserted jurisdiction over all cable systems and adopted more comprehensive rules and regulations to govern their operation. The program exclusivity provisions of the 1966 rules required that a cable system located within the Grade B or higher signal contour of a television station, upon request of the station licensee or permittee, maintain that station's exclusivity as a program outlet against lower priority or more distant duplicating signals also carried on the same day by the cable system. This became known as "same day nonduplication" protection. Priorities under this rule were assigned on the basis of television stations' predicted signal strength contours: Principal Community, Grade A, Grade B, and a fourth priority for television translator stations with 100 watts or higher power licensed to the cable community.

In 1972, in connection with the adoption of new cable television rules, the network program exclusivity provisions were revised to reduce the period of required nonduplication protection from same day to simultaneous duplication, except in the Mountain Time Zone.

Additional changes were adopted in April and June 1975. Whenever a local station's programing is protected, the cable system may carry the local station on the channel reserved for the programing of the more distant duplicating signal. (This rule is now known as the "dual channel" rule.) The nonduplication priorities have been replaced by fixed mileage zones of protection--a 35-mile specified zone of protection for stations licensed to major television markets and a 55-mile zone for smaller market stations. The revised rules also address the subjects of translator stations, notification to cable systems from stations desiring program protection, and program overruns.

Cable systems serving fewer than 1,000 subscribers per headend have been exempted from the requirements of the nonduplication rules. Finally, simultaneous nonduplication now has been applied to the Mountain Time Zone, although the Commission recognizes that some Mountain Time Zone stations may require, and may request, more protection.

In June 1975 the Commission adopted for the first time a rule concerning carriage of broadcast sports programing (Docket 19417). In general the rule prohibits cable television systems from carrying local sport events broadcast by distant television signals when those events are not available on local television stations. The purpose of this rule is to maintain the integrity of local television sports blackouts.

Syndicated Program Exclusivity

Between 1965 and 1972 the Commission's program exclusivity or nonduplication rules were applied both to network and syndicated programing. These rules required cable television systems, at the request of local stations as defined in the rules, to delete certain programing from distant or lower priority stations' signals. The rules in the Cable Television Report and Order of 1972 made a distinction between network and syndicated programing.

The syndicated program exclusivity rules require that a cable system in the first 50 major markets, upon receipt of notification, cease carrying syndicated programing from a distant signal during a pre-clearance period of one year for such programs sold for the first time in the United States. And a cable system located in a top 50 or second 50 major market may not carry a syndicated program to which a commercial television station, licensed to a designated community in the market, has exclusive broadcast exhibition rights. However, there are several exceptions to this prohibition for cable systems located in one of the second 50 major markets.

When a program is deleted pursuant to the syndicated program exclusivity rules a cable system may substitute programing, not otherwise subject to deletion, from any other television broadcast station.

Technical Performance Requirements

In order to assure the delivery of satisfactory television broadcast signals to cable television subscribers, the Commission adopted technical performance requirements. These requirements, however, do not apply to other types of cable services (such as access channels), cable television receivers, frequency allocations within the cable network, "ghosting," and cable carriage of AM and FM programing. In general, the rules require every cable operator to conduct annual performance tests and to use these results to determine if the system is performing satisfactorily.

The Commission has preempted the area of technical performance requirements to prevent establishment of non-uniform requirements which might hinder system interconnectability and impede the development and marketing of new cable services and equipment.

In 1972 the Commission established a Cable Television Technical Advisory Committee (CTAC), consisting of representatives of states and municipal organizations, the cable television industry, public interest groups, and consulting engineers. In 1975 the Committee submitted its lengthy report to aid the Commission in developing new, more appropriate and rigorous technical performance requirements.

Grandfathering

The term "grandfathering" means providing for the continuation of a pre-existing action or status which would otherwise have become illegal under newly adopted laws or rules.

The grandfathering question in the cable television rules consists of two major parts. First, if a cable television system was franchised prior to March 31, 1972, it generally has until March 31, 1977, or until the expiration of its franchise, whichever occurs first, to comply with the franchise standards. Until such time, only "substantial compliance" with the Commission's franchise standards need be demonstrated. Second, if a system was in operation prior to March 31, 1972, it has until March 31, 1977, to comply with the rules concerning technical standards. Originally March 31, 1977, was also the date by which compliance with the channel capacity and access rules would be required; however, in Docket 20363, the Commission canceled this deadline for pre-March 31, 1972, systems and suspended any rebuild requirements pending the outline of another proceeding (Docket 20508) that is investigating alternatives to requiring across-the-board compliance and compliance by any set date.

Certain broadcast signals are grandfathered for a community if they were authorized by the Commission or were lawfully carried in that community prior to March 31, 1972. Even though such signals are grandfathered for the community, any new cable system must obtain a certificate of compliance before it can begin carrying them.

OTHER REGULATORY MATTERS

Microwave Auxiliary Facilities

Cable systems, in addition to providing subscribers with off-the-air signals, also obtain signals, sometimes from hundreds of miles away, through microwave radio stations. Microwave relay service is available from common carriers in many areas, or cable systems may prefer to operate their own relay stations licensed in the Cable Television Relay Service (CARS).

By Report and Order of November 7, 1969, (Docket 17999), Cable Television Relay Stations (CARS) were authorized to carry cablecast programing. The CARS rules were further amended to authorize licensing of mobile remote pickup stations for the transmission of programing from the scenes of events outside a studio back to the cable studio or headend, and to provide for the licensing of studio-to-headend link (SHL) stations.

In a separate proceeding (Docket 18452), the FCC on November 7, 1969, adopted rules authorizing a cable local distribution service (LDS) in the CARS band. These rules contemplate local distribution stations within a cable system, in place of cable, in order to relay program material from a central distribution point to multiple receiving sites within the system.

The use of such a radio distribution system may facilitate expansion of cable service to pockets of population not economically reached by cable alone, and may offer economies where overhead cable construction cost is prohibitive.

Pole Attachment Regulation

Cable systems are generally constructed by stringing coaxial cable on existing pole owned by telephone or electric utility companies. Cable systems also may set their own poles, place their coaxial cable underground, or obtain transmission facilities from the local telephone company under tariffs filed with the Commission.

In January 1970 (Docket 18509) the Commission adopted rules requiring that telephone companies offering cable channel distribution service to cable operators must also make pole attachment rights available to cable companies at reasonable charges and without undue restrictions on the uses that may be made of the cable attached to their poles. The Commission has also instituted an investigatory rulemaking proceeding (Docket 16928) into the practices and policies of telephone and electric utility companies and others in permitting cable systems to use their poles, and to ascertain the jurisdiction of the FCC over these policies and practices.

In August 1973 the Commission issued a Public Notice that the staff had been instructed to draft documents asserting jurisdiction over the pole attachments and conduct agreements and arrangements for cable television usage, such jurisdiction to be exercised where adequate provisions had not been made by state or other local jurisdictions. The notice also encouraged interested parties to negotiate mutually satisfactory agreements. The Commission is continuing to receive periodic reports regarding ongoing negotiations.

Cable System Ownership

In separate proceedings concluded in February 1970 (Docket 18509) and in June 1970 (Docket 18397), the Commission prohibited cable system ownership by telephone companies within their local exchange areas, by television stations within the same market, by national television networks anywhere in the country, and by television translator stations in the same community.

The prohibition against telephone company ownership is designed to eliminate potential anticompetitive and discriminatory practices that could evolve from the local telephone company's monopoly position in the community it serves and its ownership of utility poles, which usually carry the cable system's distribution cables. This rule does not prevent telephone companies from owning cable systems outside their local exchange area or from providing cable facilities (channel distribution service) on a lease or tariff basis for use by an unaffiliated system.

The Commission's rule prohibiting certain types of television-cable cross-ownerships takes into account the growing role of cable systems as program originators and is designed to ensure vigorous competition among the mass media and to obtain for the public the greatest possible diversity of control over local mass communications media.

In January 1973 the Commission denied petitions for reconsideration of these television-cable cross-ownership rules. At the same time, however, it extended the grace period for divestitures two years, to August 10, 1975, and invited station licensees affected by the rules to file petitions for waiver of the mandatory divestiture requirement. In June 1975 (Docket 20423) the Commission indefinitely suspended the divestiture requirement for television licensees and announced its intention to reexamine limited aspects of the cross-ownership rules.

As part of its continuing concern with patterns of media ownership, the Commission also is investigating (Docket 18891) whether cable system ownership by radio stations and local daily newspapers should be prohibited. An additional question is whether there should be an upper limit on the number of cable systems owned by a single entity nationally or on a regional basis.

Copyright

On March 4, 1974, in C. B. S. v. TelePrompTer Corporation, the U. S. Supreme Court held that a cable system's importation of distant television signals into a community was not subject to copyright liability under present copyright law (the Copyright Act of 1909). This decision mirrored the Court's views concerning cable carriage of local television signals, expressed in Fortnightly Corp. v. United Artists Television, Inc., 392 U. S. 390 (1968).

The net effect of the two decisions is to relieve cable systems from any copyright liability for television signals they carry, absent Congressional modifications of the Copyright Act or the adoption of a new Act. Congress is considering legislation to create limited cable copyright liability.

Non-Discrimination Rules

All operators of cable television systems and cable television relay stations are required to afford equal opportunity in employment to all qualified persons, and are prohibited from discriminating in employment because of race, color, religion, national origin, or sex.

The rules require all cable operators and CARS licensees to establish and maintain programs designed to assure equal opportunity for females, Blacks, Orientals, American Indians, and Spanish surnamed Americans in such aspects of employment practice as recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff and termination.

In addition, if systems have five or more full-time employees, they must keep an up-to-date statement of their equal opportunity program on file with the Commission. They also must submit an annual statistical employment report and an annual report indicating whether any complaints have been filed regarding violations of equal employment provisions of Federal, State, Territorial, or local law, with a description of the complaints.

Annual Report Forms

The Commission requires every cable system to file two principal annual report forms--FCC Form 325 (general information, cable services, and ownership data) and FCC Form 326 (financial information). All data are solicited on a community-by-community basis. Information on Form 326 is not routinely available for public inspection because of its proprietary nature; however, data from both forms is used by the Commission in cable policy and research efforts.

CITIZEN PARTICIPATION IN FCC REGULATION

From the beginning of its regulation of cable television, the Commission has encouraged meaningful input from the public. As noted below, the FCC's Rules provide for citizen participation in all phases of the proceedings. Indeed, in a recent rulemaking proceeding (Docket 19948) the Commission noted:

> We have had cause to be concerned whether our existing cable television rules provide adequate procedures for public participation in our processes. . . . If the public is to play an informed role in the regulation of cable television, it must have at least basic information about a local system's operations and proposals.

Moreover, in determing who is an "interested person" for purposes of public participation, the Commission has said that it does not wish to limit its recognition "only to those subscribing residents of the relevant franchise area for--were this our position--a large segment of the community would be precluded from participation in vital decisions. . . ."

Cable Complaint Service

In January 1974 the FCC Cable Television Bureau established a Cable Complaint Service to deal with a number of problems involving cable television systems. Its functions include: (1) attempting to clear up misunderstandings between subscribers (and/or state and local governments) and cable systems with regard to Commission rules; (2) dealing with complaints about a system's service; and (3) helping local governments to structure complaint procedures. The Service attempts to resolve disputes on an informal basis; where merited, however, it may request that an FCC investigation be conducted and/or may institute formal legal action.

Under the dual jurisdictional approach exercised by the Commission and state and local authorities over cable television, several important areas of consumer concern are administered by local authorities instead of the FCC. These areas include subscriber rates and billing problems, extension of cable service to individual homes, and repair.

FCC-related complaints may be filed by writing to the Cable Complaint Service, Cable Television Bureau, Federal Communications Commission, 1919 M Street, N. W., Washington, D. C., 20554, or by calling (202) 632-9703.

Adjudicatory Proceedings

The public may participate in formal adjudicatory proceedings before the Commission. These may involve applications for certificates of compliance, petitions for waiver of the rules or other special relief, and show cause requests. Procedures for participation are described below. Although the procedures emphasize informal presentation, the filing of an original and 11 copies of any pleading is recommended for maximum exposure of one's point of view to Commission staff.

Certificates of Compliance

FCC processing of an application for certificate of compliance gives citizens an opportunity to raise any issue concerning a system's compliance with the rules. An individual or group may comment by filing an "opposition" to an application. Such opposition need not be long and legalistic; indeed, a short and simple document is sufficient, as long as it sets out basic allegations of fact and some supporting documentation, for example, affidavits, minutes of local government meetings, etc. Copies of any opposition should be sent to the cable system, the franchising authority, and the Commission. FCC rules allow any person to file an opposition to a certificate application within 30 days after the Commission gives public notice of the application.

Although the public notices are not distributed throughout the country, a listing of applications may be obtained from any one of several trade publications. Moreover, a cable system must serve a copy of its application upon the local regulatory or franchising body and must make it available for public inspection. By reading trade publications and keeping in touch with local officials, the public thus can discover when a cable system has filed a certificate application.

Requests For Special Relief of Waiver

The Commission's rules allow a cable system to seek special relief or waiver of any rule at any time. Opposition to such requests must be filed within 30 days after the request has been submitted. The FCC gives public notice of these requests and the public usually may obtain a list of such filings through the previously discussed channels.

In addition, cable systems must make copies of special relief and waiver requests available locally for inspection. As in the case of certificate applications, or citizens group or an individual may challenge the request for special relief or waiver by filing an opposition. Once again, an opposition must be intelligible, supported by appropriate documentation, and reflect the position of an "interested party." It should be sent to the cable system, the franchising authority, and the Commission.

Orders to Show Cause

The Commission's issuance of an order to show cause begins a proceeding similar to a civil suit for an injunction; if the complainant prevails at the hearing, the Commission issues a cease and desist order. Interested parties may begin such a proceeding by filing a petition for issuance of an order to show cause with the Commission, which is also placed on public notice.

Such petitions usually seek to remedy an alleged violation of the Commission's rules. A copy of the petition should be sent to the cable system and other interested parties. It is, of course, permissible also for an individual or group to join a cable system in opposing a request for an order to show cause. Once all the pleadings have been submitted, the Commission reviews the arguments and determines whether an order to show cause should be issued.

Rulemaking Proceedings

The Commission continually is in the process of adopting new rules or amending old ones. Since many of these rules have widespread impact, the public may wish to participate.

The rulemaking process usually begins with the issuance of a "notice of proposed rulemaking" by the FCC. As the name implies, such a notice proposes a particular rule and invites public comments within a specified time period--usually 30 days or more. The notices are published in the Federal Register, which is available in major libraries. And, as previously discussed, trade magazines generally report the issuance of a notice.

The rules require that an original and 14 copies of comments be filed. If one submits only an original, this will greatly decrease the number of Commission officials who will see it. Thus, it is important to file the required number of copies and explain one's position clearly and with as much supporting data or other authority as possible.

In addition, any person may petition the FCC to adopt a rule at any time. Such a petition should set forth the text or substance of the proposed rule, together with supporting views, arguments, and data. Again, it is preferable to file an original and 14 copies.

NON-GOVERNMENTAL SOURCES OF INFORMATION

At the national level, the major non-governmental sources of information on cable television are the following organizations which specialize in cable television matters:

Cable Television Information Center
2100 M Street, N. W.
Washington, D. C. 20037
(202) 872-8888

National Cable Television Association, Inc.
918 Sixteenth Street, N. W.
Washington, D. C. 20006
(202) 466-8111

CABLE TELEVISION BUREAU

The FCC's Cable Television Bureau is responsible for implementing the Commission's cable television regulatory program. It is composed of four operating Divisions -- Certificates of Compliance, Special Relief and Microwave, Policy Review and Development, and Research.

Members of the Bureau's staff welcome inquiries from the public. By contacting the appropriate Division listed below, a person can obtain assistance in participating in the Commission's processes.

Bureau Organization	Telephone
Office of Bureau Chief	(202) 632-6480
Certificates of Compliance Division	(202) 632-7480
Policy Review and Development Division (Rulemakings)	(202) 632-6468
Research Division	(202) 632-9797
Special Relief and Microwave Division	(202) 632-8882
Special Relief and Enforcement Branch	(202) 632-9703
Microwave Branch	(202) 254-3420
Records and Systems Management Branch (Public Reference Room)	(202) 632-7076
Cable Complaint Service	(202) 632-9703

The Cable Television Bureau is located at 2025 M Street, N. W., 6th floor. The following mailing address should be used Cable Television Bureau, Federal Communications Commission, 1919 M Street, N. W., Washington, D. C. 20554.